

PTO/SB/21 (09-04)
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Total Number of Pages in This Submission

SEVEN

Application Number 09/902,986

Filing Date 07/11/2001

First Named Inventor Sharif

Art Unit 2173

Examiner Name Hailu, Tadesse

Attorney Docket Number UNIQA-PPA2

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	ROBERT BUCKLEY, PATENT ATTORNEY		
Signature			
Printed name	ROBERT BUCKLEY		
Date	06/18/2005	Reg. No.	33657

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Signature			
Typed or printed name	ROBERT BUCKLEY	Date	06/18/2005

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PTO/SB/17 (12-04v2)

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Effective on 12/08/2004.

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FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 250.00

Complete if Known

Application Number	09/902,986
Filing Date	07/11/2001
First Named Inventor	Sharif
Examiner Name	Hailu, Tadesse
Art Unit	2173
Attorney Docket No.	UNIQA-PPA2

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, **except for the filing fee**☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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_____ - 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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_____ - 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): FILING BRIEF ON APPEAL**Fees Paid (\$)**

250.00

SUBMITTED BY

Signature	<u>Robert Buckley</u>	Registration No. 33657 (Attorney/Agent)	Telephone 925-447-4990
Name (Print/Type)	ROBERT BUCKLEY		Date 06/18/2005

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AF-
JW

Attorney's Docket No. UNIQA-PPA2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 In re application of: Sharif et al.
Serial No.: 09/902,986
Filed: 07/11/2001
For: "Web Browser Implemented in An Internet Appliance"
Group No.: 2173
10 Examiner: Hailu, Tadesse

Via First Class Mail

15 Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

20

BRIEF ON APPEAL

Real Party in Interest: Imran Sharif, et al.

25 Related Appeals and Interferences: None.

Status of Claims: Claim 1 is the subject of this appeal.

30 Status of Amendments: Claim 1 has not been amended. Amendment of the drawing and
the specification was entered to correct errors discovered by the examiner. No amendment
has been refused entry.

Summary of Invention: A method for implementing a user interface in a browser
application running on an Internet appliance.

35

Issues: Whether claim 1 is patentable over U.S. Patent Application Publication No. US 2002/0060750 A1, to Istivan et al.

Grouping of Claims: Claim 1 is the sole claim of the application and appeal.

5

Argument:

Introduction

For purposes of this appeal, the applicants' offer to stipulate that the Istivan published patent application is entitled to a priority date preceding the applicants' priority
10 date of 07/11/2000.

The issue before the Board is whether or not Istivan anticipates every element of the applicants' claim 1, or alternatively, whether claim 1 is patentable over Istivan in combination with a general level of skill in the art at the time the applicants' invention was made.

15

Istivan does not disclose every element of claim 1

The preamble of the applicants' claim 1 states (lines 1 – 2) that the method is “. . . implemented in an Internet appliance” Though the claim makes no further reference to the appliance, the specification provides sufficient detail to define the phrase “Internet
20 appliance” as used in claim 1 (applicants' Figure 21, specification at page 2, lines 2 – 8, and starting at page 5, line 6 through page 6, line 7). The applicants rely upon the rule that allows them to define their own terms.

The Istivan method is practiced in an Internet-enabled television system (Istivan specification, paragraphs 0006 and 0007), or alternatively in a set top box (the
25 incorporated provisional patent application, serial number 60/193,046 at the bottom of page 7), rather than an Internet appliance such as defined by the applicants' disclosure.

Though limitations in a claim preamble are not usually construed to limit the claim, such preamble limitations are sometimes used for such purpose when, as in the applicants' claim 1, they define a system within which a claimed method is to be practiced. The
30 applicants request that the preamble limitation be interpreted to limit their claim.

An argument can be made that the applicants' method can be practiced in an Internet-enabled television system or in a set top box, but the applicants have limited their method to being practiced in an Internet appliance, as defined in the applicants' disclosure.

5 The importance of this distinction is that though the applicants can practice the remaining steps of their user interface implementation method in an Istivan device, Istivan cannot practice his method in the applicants Internet appliance—not when the full extent of the Istivan disclosure is considered. Thus, claim 1 is narrower than anything disclosed by Istivan and not anticipated.

10 Neither the Istivan publication nor the Istivan provisional patent application disclose any apparatus for practice of their disclosed methods as simple as the applicants' Internet appliance, because no platform as simple as the applicants' Internet appliance would support the functionality disclosed by Istivan.

15 Perhaps the most straightforward example of the difference between a simple Istivan user interface and a claim 1 user interface relates to the television portion of the Istivan system. Istivan discloses a system in which the television set itself, or alternatively a set top box, is used to control both TV viewing and Internet access. Claim 1 defines a user interface that permits Internet access to be displayed on a connected television set, but the TV access is not controlled or even selected using the claim 1 user interface. That is a difference that exists with a simple Istivan user interface (see the list of "must have"
20 features listed at pages 1 – 4 of the Istivan provisional patent application, the entire contents of which are incorporated by reference into the published Istivan patent application (see paragraph 0001). A reasonable conclusion is that the simplest Istivan user interface cannot be practiced on the applicants' Internet appliance platform. Thus, there is some limitation in claim 1 that is not compatible with the Istivan user interface: some
25 limitation that is not disclosed by the Istivan reference.

The simplicity of the Internet appliance would not have been obvious

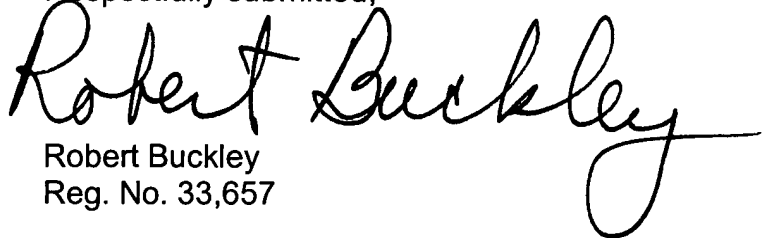
30 An examination of the Istivan published patent application and also the incorporated provisional patent application reveals features that could not be practiced within the applicants' Internet appliance (nor were they ever intended to be), and thus teach away

from such a simple platform. The manufacturers of set top boxes and Internet-enabled television systems, in general, incorporate features that are not compatible with the simplicity of the applicants' Internet appliance, for example, the ability to receive, select, control and display standard television programming. The examiner has produced no
5 reference that discloses or suggests the simplicity of the applicants' Internet appliance—an integral limitation of the method of claim 1.

Conclusion

The applicants' claim 1 is not anticipated by, and is patentable over the cited
10 reference in combination with the level of skill in the art at the time the invention was made. The examiner has not met his burden, and the appeal should be allowed.

Respectfully submitted,

15 
Robert Buckley
Reg. No. 33,657

Appendix – Claim on Appeal

1 1. A user interface method in a browser application implemented in an Internet
2 appliance for accessing information on the Internet, the Internet appliance having a
3 display device and using a reduced-keyset user interface device for user input, the
4 reduced-keyset user interface device having a plurality of keys consisting of direction
5 keys, numeric keys, and a number of function keys, the method comprising:

6 displaying a user interface screen on the display device, the screen being
7 divided into a primary screen area for displaying information and at least a first and a
8 second control area, the first control area containing one or more mode icons for
9 selecting a mode of the browser application, the second control area containing one or
10 more command icons depending on the selected mode;

11 in a navigate mode, displaying a plurality of interface elements in the primary
12 screen area, each interface element representing a web page, and accessing one of
13 the web pages by invoking a command icon or an interface element in response to user
14 input through the use of the reduced-keyset user interface device;

15 in a browse mode, displaying page contents of a web page in the primary screen
16 area, the web page including one or more interface elements, and further displaying
17 different page contents by invoking a command icon or an interface element in
18 response to user input through the use of the reduced-keyset user interface device; and

19 in the navigate and/or browse mode, dynamically displaying indications that
20 associate each of one or more command icons and/or interface elements with a key of
21 the reduced-keyset user interface device, and invoking a command icon and/or
22 interface element in response to user input through the use of the associated key.